

S. 2393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mental Health Patients' Rights Act".

SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

Subpart 1 of part B of the Public Health Service Act (42 U.S.C. 300gg-41 et seq.) is amended by adding at the end the following:

"SEC. 2745. LIMITATION ON PREEXISTING CONDITION EXCLUSION PERIOD AND PREMIUMS WITH RESPECT TO MENTAL HEALTH.

"(a) LIMITATION ON PREEXISTING CONDITION EXCLUSION PERIOD.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a health insurance issuer that offers health insurance coverage in the individual market in a State may, with respect to an individual or dependent of such individual, impose a preexisting condition exclusion relating to a preexisting mental health condition only if—

"(A) such exclusion relates to a mental health condition, regardless of the cause of the condition, for which medical advice, diagnosis, care, or treatment was recommended or received within the 6-month period ending on the enrollment date;

"(B) such exclusion extends for a period of not more than 12 months after the enrollment date; and

"(C) the period of any such preexisting condition exclusion is reduced by the aggregate of the periods of creditable coverage (if any, as defined in paragraph (3)(A)) applicable to the individual or dependent of such individual as of the enrollment date.

"(2) DEFINITIONS.—In this section:

"(A) PREEXISTING MENTAL HEALTH CONDITION.—The term 'preexisting mental health condition' means, with respect to coverage, a mental health condition, including all categories of mental health conditions listed in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM IV-TR), or the most recent edition if different than the Fourth Edition, that was present before the date of enrollment of such coverage, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before such date.

"(B) OTHER TERMS.—The terms 'preexisting condition exclusion', 'enrollment date', and 'late enrollee' shall have the meanings given such terms in section 2701 as relating to individual health insurance coverage.

"(3) CREDITING PREVIOUS COVERAGE.—For purposes of subsection (a), the term 'creditable coverage' has the meaning given such term in section 2701(c) and includes coverage of the individual under any of the following:

"(A) A college-sponsored health plan, or a plan under which health benefits are offered by or through an institution of higher education (as defined in section 481(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)) in relation to students at the institution (not including benefits offered to such a student as a participant or beneficiary in a group health plan).

"(B) Title XXI of the Social Security Act.

"(C) A State or local employee health plan.

"(b) PROHIBITION ON INCREASED PREMIUMS BASED ON PREEXISTING MENTAL HEALTH CONDITION.—A health insurance issuer that offers health insurance coverage in the individual market in a State may not, with respect to an individual or dependent of such individual, require any individual (as a condition of enrollment or continued enrollment) with a preexisting mental health condition to pay a premium or contribution which is greater than a premium or con-

tribution for an individual without a preexisting mental health condition based solely on the determination that such individual has a preexisting mental health condition, as such term is defined in subsection (a)(2)(A).

"(c) NONAPPLICABILITY OF ACCEPTABLE ALTERNATIVE MECHANISMS.—The provisions of section 2741(a)(2) shall not apply to a health insurance issuer that offers health insurance coverage in the individual market in a State, but only with respect to an individual, or dependent of such individual, with a preexisting mental health condition desiring to enroll in such individual health insurance coverage."

AMENDMENTS SUBMITTED AND PROPOSED

SA 3381. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3381. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

DIVISION D—EXTENSION OF CERTAIN PREFERENTIAL TRADE TREATMENT AND MISCELLANEOUS TRADE PROVISIONS**TITLE XLI—EXTENSION OF GENERALIZED SYSTEM OF PREFERENCES****SEC. 4101. GENERALIZED SYSTEM OF PREFERENCES.**

(a) EXTENSION OF DUTY-FREE TREATMENT UNDER SYSTEM.—Section 505 of the Trade Act of 1974 (19 U.S.C. 2465) is amended by striking "September 30, 2001" and inserting "December 31, 2006".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

(c) RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS.—

(1) IN GENERAL.—

(A) ENTRY OF CERTAIN ARTICLES.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, and subject to paragraph (2), the entry—

(i) of any article to which duty-free treatment under title V of the Trade Act of 1974 would have applied if the entry had been made on September 30, 2001;

(ii) that was made after September 30, 2001, and before the date of enactment of this Act; and

(iii) to which duty-free treatment under title V of that Act did not apply,

shall be liquidated or reliquidated as free of duty, and the Secretary of the Treasury shall refund any duty paid with respect to such entry.

(B) ENTRY.—In this subsection, the term "entry" includes a withdrawal from warehouse for consumption.

(2) REQUESTS.—Liquidation or reliquidation may be made under paragraph (1) with respect to an entry only if a request therefor is filed with the Customs Service, within 180 days after the date of enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

SEC. 4002. AMENDMENTS TO GENERALIZED SYSTEM OF PREFERENCES.

(a) INTERNATIONALLY RECOGNIZED WORKER RIGHTS.—Section 507(4) of the Trade Act of 1974 (19 U.S.C. 2467(4)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and";

(3) by adding at the end the following new subparagraph:

"(F) a prohibition on discrimination with respect to employment and occupation."; and

(4) by amending subparagraph (D) to read as follows:

"(D) a minimum age for the employment of children, and a prohibition on the worst forms of child labor, as defined in paragraph (6);".

(b) REVIEW OF ELIGIBILITY CRITERIA.—

(1) IN GENERAL.—Title V of the Trade Act of 1974 is amended by inserting after section 503, the following new section:

"SEC. 503A. REVIEWS.

"(a) ONGOING REVIEWS.—Notwithstanding any other provision of law, the President shall conduct on an ongoing basis a review of the eligibility criteria with respect to any country or article designated as eligible under this title. Such reviews, in addition to the reviews conducted pursuant to part 2007 of title 15, Code of Federal Regulations (as in effect on January 1, 2002), shall form the basis for any withdrawal, suspension, or limitation of benefits under section 502(d)(1) or section 503(c)(1).

"(b) WORKER RIGHTS REVIEWS.—

"(1) IN GENERAL.—In reviewing the eligibility criteria set forth in sections 502(b)(2)(G), 502(b)(2)(H), and 502(c)(7) as part of an ongoing review described in subsection (a) or as part of a specific request for review under part 2007 of title 15, Code of Federal Regulations, the President shall give special consideration to the findings of the International Labor Organization (or committees thereof) concerning the country under review.

"(2) REGULATIONS.—Not later than 180 days after the date of enactment of the Trade Act of 2002, the President shall promulgate regulations establishing guidelines for giving special consideration to the findings of the International Labor Organization (or committees thereof) as required by paragraph (1)".

(2) CONFORMING AMENDMENT.—The table of contents for title V of the Trade Act of 1974 is amended by inserting after the item relating to section 503, the following new item:

"Sec. 503A. Reviews.

TITLE XLII—MISCELLANEOUS TRADE PROVISIONS**SEC. 4201. IDENTIFICATION OF TRADE EXPANSION PRIORITIES.**

Section 310(a)(1) of the Trade Act of 1974 (19 U.S.C. 2420(a)(1)) is amended by striking "Within 180 days after the submission in calendar year 1995 of the report required by section 181(b)" and inserting "Within 30 days after the submission of the report required by section 181(b)".

AUTHORITY FOR COMMITTEES TO MEET**SELECT COMMITTEE ON INTELLIGENCE**

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Monday, April 29, 2002, at 6:30 p.m. to hold a closed business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.